

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Tuesday 04th April, 2023

No. 150

GOVERNMENT OF SIKKIM
LEGAL METROLOGY UNIT & CONSUMER PROTECTION CELL
FOOD & CIVIL SUPPLIES DEPARTMENT
PALZOR STADIUM ROAD
GANGTOK.737101

No. 29/LMU/F&CS

Date: 31/03/2023

NOTIFICATION

In exercise of the powers conferred by clauses (c), (d), (e), (f) of sub-section (2) of section 102 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of the Sikkim State Consumer Protection Rules, 2006 the State Government hereby makes the following rules, namely: –

Short title and
commencement

1. (1) These rules may be called the Sikkim Consumer Protection Council Rules, 2023.
- (2) They shall come into force on the date of their publication in the Official Gazette.

Definitions

2. In these rules, unless the context otherwise requires: —
 - (a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);
 - (b) “State Council” means the State Consumer Protection Council established under sub-section (1) of section 6 of the Act;
 - (c) “District Council” means the District Consumer Protection Council established under sub-section (1) of section 8 of the Act;
 - (d) “Chairperson” means the chairperson of the State Council and the Chairperson of the District Council;
 - (e) “Schedule” means a Schedule appended to these rules;
 - (f) “State” means the State of Sikkim.

Composition of
State Council

3. The State Council shall consist of the following Members, namely: —
 - (a) Minister, Food and Civil Supplies Department : Chairperson;
 - (b) Secretary, Animal Husbandry and Veterinary Services Department : Member;

- (c) Secretary, Urban Development Department : Member;
- (d) Commissioner, Commercial Tax Division, Finance Department : Member;
- (e) Registrar/Deputy Registrar, State Commission : Member;
- (f) Representative of Consumer Organizations : Member;
- (g) Representative of two NGOs : Member;
- (h) Persons capable of representing consumer interest (not less than two) : Member;
- (i) Such number of other officials or non-official members, not exceeding ten, as may be nominated by the Central Government; : Member;
- (j) Secretary, Food and Civil Supplies Department : Member-Secretary

Term of State Council

4. The term of the State Council shall be 3 (three) years:

Provided that the State Council shall continue to function for a further period of 3 (three) months or till it is reconstituted, whichever is earlier.

Meetings of State Council for transaction of business

5. (1) The meetings of the State Council shall ordinarily be held in the State Capital, Gangtok:
- Provided that the State Council may also hold its meetings at any other place in Sikkim, wherever in the opinion of the Chairperson, it is expedient to do so.
- (2) The Chairperson shall preside over the meetings of the State Council.
 - (3) In the absence of the Chairperson, the meetings of the State Council shall be presided over by a Member of the State Council elected for this purpose.
 - (4) A meeting of the State Council may be called with the approval of the Chairperson by issuing a notice in writing to every Member at least 15 (fifteen) days before the intended date of the meeting by post, or through e-mail to facilitate speedy communication.
 - (5) The notice of every meeting of the State Council shall intimate the time, date, and place of the meeting and the items of agenda for the meeting.
 - (6) Any business not included in the agenda shall not be transacted at a meeting of the State Council except with the permission of the Chairperson or the Member presiding over the meeting, as the case may be.

- (7) The draft minutes of each meeting of the State Council shall be prepared as soon as possible and not later than one week from the conclusion of each meeting and the same shall be submitted to the Chairperson or to the Member who presided over the meeting for his approval.
- (8) The draft minutes of each meeting of the State Council approved by the Chairperson or the Member who presided over this meeting shall be forwarded to each Member of the State Council as soon as possible for adoption at the next meeting.
- (9) No proceedings of the State Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the State Council.
- (10) The State Council shall meet as and when necessary but not less than 2 (two) meetings shall be held every year.

Composition of District Council

6. The District Council shall consist of the following Members, namely:—
 - (a) District Collector : Chairman;
 - (b) Sub-Divisional Magistrate (not less than two) : Member;
 - (c) Block Development Officers (not less than two) : Member;
 - (d) Panchayat Members (not less than five) : Member;
 - (e) Booth Level Officers (BLOs) (not less than two) : Member;
 - (f) Accredited Social Health Activist Workers (ASHA) (not less than two); : Member;
 - (g) Persons capable of representing consumer interest (not less than three) : Member;
 - (h) Additional District Collector (Dev.) : Member- Secretary

Term of District Council

7. The term of the District Council shall be 3 (three) years:
 Provided that the District Council shall continue to function for a further period of 3 (three) months or till it is reconstituted, whichever is earlier.

Meetings of District Council for transaction of business

8. (1) The meetings of the District Council shall ordinarily be held in the District Headquarters.
- (2) The Chairman shall preside over the meetings of the District Council.
- (3) In the absence the Chairman, the meetings of the District Council shall be presided over by a Member of the District Council elected for this purpose.

- (4) A meeting of the District Council may be called with the approval of the Chairman by issuing a notice in writing to every Member at least fifteen days before the intended date of the meeting by post, or through e-mail to facilitate speedy communication.
- (5) The notice of every meeting of the District Council shall intimate the time, date, and place of the meeting and the items of agenda for the meeting.
- (6) Any business not included in the agenda shall not be transacted at a meeting of the District Council except with the permission of the Chairman, or the Member presiding over the meeting, as the case may be.
- (7) The draft minutes of each meeting of the District Council shall be prepared as soon as possible and not later than one week from the conclusion of each meeting and the same shall be submitted to the Chairman or to the Member who presided over the meeting for his approval.
- (8) The draft minutes of each meeting of the District Council approved by the Chairman or the Member who presided over this meeting shall be forwarded to each Member of the District Council as soon as possible for adoption at the next meeting.
- (9) No proceedings of the District Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the State Council.
- (10) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.

District Consumer
Protection Officer

- 9. The District Council shall be coordinated by a specific officer in each District to be designated as District Consumer Protection Officer to assist the District Collector in the implementation and observance of activities of District Council.

Deepa Rani Thapa, SCS
Secretary
Food and Civil Supplies Department
Government of Sikkim

SCHEDULE I

- (1) Gangtok Region - to consist of the Sub-Divisions under Gangtok District**
- (2) Pakyong Region- to consist of the Sub-Divisions under Pakyong District**
- (3) Mangan Region - to consist of the Sub-Divisions under Mangan District**
- (4) Namchi Region - to consist of the Sub-Divisions under Namchi District**
- (5) Soreng Region – to consist of Sub-Divisions under Soreng District**
- (6) Gyalshing Region- to consist of Sub-Divisions under Gyalshing District**

